

### **REMARKS**

Upon entry of the foregoing amendment, claims 31 and 35-45 are pending with claim 31 being the only independent claim. These changes are intended to more clearly define the invention as discussed in the examiner interview that was held on November 21, 2006. These changes are believed to introduce no new matter and their entry is respectfully requested.

Based on the above amendment and following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

#### **Examiner Interview of November 21, 2006**

Applicant appreciates the Examiner's courtesy extended to Applicant's representative during the telephonic interview of November 21, 2006. Applicant confirms the content of the interview to have covered a discussion of the Applicant's invention and, in particular, that the editorial content includes a shopping table of contents that may be used to link the user to shopping related portions of the editorial content. Accordingly, Applicant has amended independent claim 31 to more clearly recite this feature.

#### **Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 31 and 35-45 under 35 U.S.C. § 103 as being unpatentable over U.S. Pat. App. Pub. No. 2004/003975 A1 to Anderson et al. ("Anderson") in view of Official Notice. The Examiner states that Anderson teaches a computer publication that is in the form of a virtual book. The Examiner also asserts that Anderson teaches links to purchase products and the use of a pull down menu to easily navigate to desired products. The Examiner relies on official notice to assert that it was within the skill at the time of the invention to

combine “any number of useful links and category listings within the pages that are currently being viewed by the user” and that it is well established that placing sales information in plain view of a purchaser increases the likelihood of purchases being made. Applicant respectfully traverses the rejection.

Claim 31, as amended, recites a method of selecting and optionally ordering a product using an editorial content provider. The method includes transmitting editorial content (e.g., an on-line magazine, catalog, newspaper or other publication), receiving user editorial content navigation signals and transmitting data related to the user input request to the user via the electronic communications network. The claim further recites that the editorial content includes an inside page display, a shopping table of contents and at least one user selectable link that directs navigation to a product information page. As recited, the shopping table of contents includes at least one link to a shopping related portion of the editorial content.

Anderson and the Examiner’s reliance on official notice collectively fail to provide a teaching of a shopping table of contents that includes a link to a portion of the editorial content. Anderson describes a computer publication in the form of a virtual book, magazine or catalogue. Anderson discloses that in an embodiment, the publication is a virtual catalogue that includes product links that, when selected, direct the user to a separate web page where the goods can be purchased. See Anderson ¶ 106. Anderson also describes a page that may be included in a virtual book that includes a series of check boxes related to subject matter categories of various other virtual books. However, similar to the links described above, checking a check box links the user to a separate web site listing books in the selected category. See Anderson ¶ 0092 and FIG. 6. Additionally, Anderson describes providing a link (e.g., a pull-down menu) that allows the user to access a search function for searching various categories, but it does not indicate that

the search function provides a link to a shopping related portion of the publication. See Anderson ¶¶ 0097 and 0128, and FIGS. 7 and 26. All of those link features provide the user with direct access to external web sites rather than shopping related portions of the publication that includes those features.

Additionally, the Examiner has relied upon official notice for providing a teaching to combine links and category listings within pages that are currently being viewed by the user. The Examiner has not asserted official notice to provide a teaching of providing a shopping table of contents that provides at least one link to a shopping related portion of the publication being viewed. As a result, Anderson and the Examiner's reliance on official notice fail to teach all of the features recited in claim 31.

Because the combination of Anderson and the Examiner's reliance on official notice does not teach all of the features recited in claim 31, that claim is patentable over the asserted combination. Claims 35-45 depend from and include all of the features of claim 31 and, for at least the same reasons, are patentable over Anderson in view of the Examiner's assertion of official notice.

### **Conclusion**

In conclusion, it is respectfully submitted that the rejection has been properly traversed. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and solicits allowance of the present application. If necessary, the Commissioner is authorized in this and concurrent replies to charge payment (or

credit any overpayment) to Deposit Account No. 50-2298 in the name of Luce, Forward, Hamilton & Scripps LLP, for any additional fees required under 37 CFR 1.16 or 1.17.

Respectfully submitted,

Date: \_\_\_\_\_

11/26/08



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